

REMARKS/ARGUMENTS

Claims 29-42 are pending in this application with Claims 29 and 35 being amended. Claims 1-28 were previously cancelled, without prejudice, per the Preliminary Amendment filed October 6, 2006.

Claims 35-40 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. In particular, the phrase “and whose crossbar” is unclear as to which element “whose” refers to. To that end, Applicants have amended Claim 35 to correct this.

Applicants acknowledge that Claims 31-34 and 36-41 would be allowable if amended into independent form including all of the limitations of the base claim and any intervening claim. Although the status of Claim 42 was not addressed in the Office Action, during a telephonic interview with the Examiner on Oct. 21, 2008, it was confirmed that Claim 42, because of its dependence upon Claim 41, is part of the claims that would be allowable if amended accordingly. However, Applicants wish to pursue the independent Claim 29 for the reasons cited below.

Claims 29, 30 and 35 are being rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,279,256 (Norolof, et al., hereinafter “Norolof”). The Examiner asserts that:

The patent to Norolof et al discloses an adapter for attaching an electronic shelf label to a blister hook, the adapter comprising a housing (13,15) into which the shelf label is insertable or is inserted, and with a suspension device (see Figure 7a) for the pivotal mounting of the housing on a cross-strut provided on the free end of a cantilever of the blister hook, wherein the suspension device is a yoke (both sides 272) that is connected to the housing and has formed thereon at least two sleeves (217) and a connecting web (245) formed between them [sic] which in open condition has a free end that is adapted to be placed around the cross-strut and to be snap-locked onto the yoke, wherein an opening (275) is provided between the at least one pliable sleeve and extends as far as to a connecting web, wherein the yoke is constructed in the manner of a fork having prongs (272) which are connected to the housing and whose crossbar is connected to the at least one pliable sleeve. (Office Action, dated Sept. 23, 2008, p. 3)

However Applicants respectfully disagree for the following reasons.

Norolof discloses label holders that involve discrete couplings which attach to the label holder and then either slide over the cross-strut of the blister hook (items 17 and 19, see Figs. 1a-5c of Norolof) or require another separate fitting 279 this is placed over the cross-strut of the blister hook and then snap-fitted onto the other discrete coupling 217 (see Figs. 7a-7c of Norolof). Therefore, none of the cross-strut coupling members in Norolof are pivotally coupled to the label holder. In all of the disclosed embodiments, the Norolof coupling members are discrete components that are attached to the label holder. To that end, and based on upon the telephonic interview that the undersigned held with the Examiner on Oct. 21, 2008, Applicants have amended Claim 29 accordingly.

Claims 30 and 35 ultimately depend from Claim 29 and are patentable for the same reasons.

For at least the reasons set forth above, it is respectfully submitted that the above identified application, including claims 29-42, is in a condition for allowance. Thus, reconsideration and withdrawal of the Examiner's rejections and objections to the claims, and a Notice of Allowance, are respectfully requested.

Application Serial No. 10/599,760
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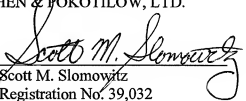
Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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